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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY S. SIMPSON and TIMOTHY B. DEAN

Appeal 2009-013369
Application 10/088,541
Technology Center 2400

Before MAHSHID D. SAADAT, THOMAS S. HAHN, and
ELENI MANTIS MERCADER, *Administrative Patent Judges*.

HAHN, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellants invoke our review under 35 U.S.C. § 134(a) from the final rejection of claims 1-45. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE²

Appellants claim a computer network system and method to control user access to stored datasets that are labeled with dataset access categories. A user requesting access to a dataset is a member of one of several user groups. Each user group is identified as having a certain dataset access category authorization. The user establishes authenticated identity as a member of a user group, and, thereby, is assigned to have access to the dataset with the same dataset access category as the user group that is enabled for the authenticated user.³ Claim 1 is illustrative:

1. A method for computer security to control access to data held on a computer system as requestable datasets, said method comprising the steps of:

allocating human users of a computer system between a plurality of user groups as members thereof wherein not all user groups have only a single member and membership of a user group having multiple members is authentically evidenced by provision of user group identity information common to such members, each user group corresponding to a respective dataset access category selected from a plurality of such categories such that all members of each user group having multiple members are associated with a dataset access category which is common to members of that user group;

² Throughout this opinion we refer to the Specification filed Mar. 19, 2002, the Appeal Brief filed Aug. 20, 2007, the Examiner's Answer mailed Nov. 21, 2007, and the Reply Brief filed Jan. 22, 2008, for their respective details.

³ See generally Abstract; Spec. 9:29–17:16; Figs. 1, 2, 6.

providing for each dataset a dataset access category selected from said plurality of such categories and associated with a criterion for access to that dataset by computer system users; and

giving access to a dataset to a member of a user group with multiple members in response to such member providing authenticated evidence of membership of that user group and members of that user group being associated with a common dataset access category which enables access to that dataset.

The Examiner relies on the following prior art references to show unpatentability:⁴

Baker	US 5,696,898	Dec. 9, 1997
Hayman	US 5,859,966	Jan. 12, 1999
McNabb	US 6,289,462 B1	Sep. 11, 2001
Hsiao	US 6,496,944 B1	Dec. 17, 2002

Lein Harn & Shoubao Yang, *ID-Based Cryptographic Schemes for User Identification, Digital Signature, and Key Distribution*, 11 IEEE J. ON SELECTED AREAS COMM. 757-60 (June 1993) [hereinafter Harn].

Netscape Communications Corporation, *Administrator's Guide: Netscape Messaging Server Version 3.0*, 57-58 (1995) [hereinafter Netscape].

James Davis et al., *An Implementation of MLS on a Network of Workstations Using X.500/509*, IEEE PERFORMANCE, COMPUTING, & COMM. CONF. 546-53 (1997) [hereinafter Davis].

The Examiner, under 35 U.S.C. § 103(a), rejected:

1. Claims 1-5, 11-13, 17, 19-23, 29, 31, 32, 38, 41, 44, and 45 as unpatentable over Baker and Davis (Ans. 3-9);
2. Claims 6, 24, 39, and 42 as unpatentable over Baker, Davis, and Hsiao (Ans. 9-10);
3. Claims 7 and 25 as unpatentable over Baker and Davis (Ans. 10-11);

⁴ Effective filing dates are not at issue.

4. Claims 8, 9, 26, and 27 as unpatentable over Baker, Davis, and Harn (Ans. 11-13);
5. Claims 10, 28, and 34 as unpatentable over Baker, Davis, and McNabb (Ans. 13-14);
6. Claims 14-16, 30, and 33 as unpatentable over Baker, Davis, and Hayman (Ans. 14-15);
7. Claim 18 as unpatentable over Baker, Davis, Hayman, and Netscape (Ans. 15);
8. Claim 35 as unpatentable over Baker and Davis (Ans. 16);
9. Claim 36 as unpatentable over Baker, Davis, and Hsiao (Ans. 16);⁵
10. Claim 37 as unpatentable over Baker and Davis (Ans. 16); and
11. Claims 40 and 43 as unpatentable over Baker, Davis, and Harn (Ans. 16-18).

ISSUE

Based on the Examiner's findings and conclusions (*see* Ans. 3-5, 18-21) and Appellants' contentions (*see* App. Br. 23-30; Reply Br. 2-10), did the Examiner err in determining that Baker and Davis, alone or in combination, teach or suggest (i) allocating computer system human users between a plurality of user groups wherein members of each user group are associated with a dataset access category common to the user group; and (ii) giving dataset access to a member in response to such member providing authenticated evidence of user group membership as recited in claim 1?

⁵ This rejection is not addressed by Appellants. Accordingly, based on Appellants waived argument, we will sustain the Examiner's rejection of claim 36. *See* 37 C.F.R. § 41.37(c)(1)(vii).

PRINCIPLES OF LAW

Analysis of claim rejections begins with a determination of claim scope. We determine claim scope not solely on the basis of claim language, but also on giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). *See also SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004) (“Though understanding the claim language may be aided by the explanations contained in the written description, it is important not to import into a claim limitations that are not a part of the claim.”).

ANALYSIS

*Claims 1-5, 7, 11-13, 17, 19-23, 25, 29, 31, 32, 35, 37, 38, 40, 41,
and 43- 45*

These claims rejected under § 103(a) as unpatentable over Baker and Davis are collectively asserted by Appellants as being patentable (*see* App. Br. 30, 32, 36). Appellants argue selected limitations that are substantively characterized as being recited in all of included independent claims 1, 19, 32, 35, 38, 40, 41, and 43-45 (App. Br. 24-30, 32, 36). The dependent claims are argued to be patentable because of their dependencies from the included base independent claims. We, accordingly, select independent claim 1 as representative. *See* 37 C.F.R. § 41.37(c)(1)(vii).

I

Appellants commence by contending that Baker fails to teach or suggest “‘allocating’ human users between a plurality of user groups” (App. Br. 24). The Examiner finds that Baker discloses that “the [reference taught]

invention could also be modified to recognize classes of users and/or user terminals” (col. 4, ll. 47-49), and, therefore, Baker teaches that “users have been classified into different classes” (Ans. 18). From our study of Baker, we agree with and adopt this finding. Appellants contend:

Baker does NOT disclose human users allocated to different classes: users may be in different classes but they are NOT allocated to them by Baker and Baker does not disclose recognition of their class instead of each human user’s identity. . . . The whole point of Appellants’ invention is that it replaces recognition of each individual person’s identity with recognition of a group identity common to multiple group members.

(Reply Br. 2-3.) Despite the bald assertion to the “Appellants’ invention,” Appellants do not cite to Specification disclosures and explain some consequently narrowed claim construction. In these circumstances, we look to the broadest reasonable construction for the claim 1 recited “allocating human users . . . between a plurality of user groups as members thereof.” *Am. Acad. of Sci. Tech Ctr.*, 367 F.3d at 1364. As such, we broadly construe this claim limitation to cover allocating users between user groups as members thereof. We consequently agree with the Examiner because we find that Baker teaches classifying users into different classes, and, therefore, Baker teaches “allocat[ing users] into user groups as claimed” (Ans. 18).

II

Appellants also contend that Baker fails to disclose “human users” (App. Br. 25-26). As discussed *supra*, we adopt the Examiner’s finding that Baker teaches ““recogniz[ing] classes of users and/or user terminals”” from which the Examiner concludes “that human computer users are being

discussed” (Ans. 18 (quoting Baker, col. 4, ll. 48-49)). Appellants do not assert that Baker teaches or suggests that Baker’s disclosed users are not human by identifying some other category for such users. We, accordingly, are not persuaded by Appellants’ contentions that Baker is somehow deficient in teaching human users.

III

Appellants further contend that Baker is deficient with respect to “identification of ‘a data access category which is common to members of that user group’” (App. Br. 26). What Appellants argue is that “Baker only discusses control of access to data either by restricting data which a terminal can access or by the use of a personal password unique to an individual and not by a dataset access category being common to human members of a user group” (App. Br. 26). The Examiner finds that Baker, at column 5, lines 10-12, discloses a database listing of directory and/or subdirectory identifiers that a particular user or user group would use to be granted or denied access to data (Ans. 19). From our study of Baker, we agree with and adopt this finding. Appellants do not contest this finding, but, instead, argue that Baker uses data location to control access (Reply Br. 5). Further, Appellants assert that “it is an important advantage of Appellants’ invention over Baker that it is not data location dependent” (*id.*). Not addressed by Appellants, however, is the claim 1 step of “providing for each dataset a dataset access category,” which associates datasets with dataset access categories. Again, Appellants do not cite to Specification disclosures and explain some consequently narrowed claim construction. On this record, we agree with the Examiner that Baker is read on by the claim 1 recited “each

user group correspond[s] to a respective dataset access category [i.e., Baker identifier] . . . such that all members of each user group . . . are associated with a dataset access category which is common to members of that user group.”

IV

Next, Appellants contend that neither Baker nor Davis teaches providing data access “in response to such member providing authenticated evidence of membership of that user group” as recited in claim 1 (App. Br. 27; *see also* App. Br. 29-30). The Examiner acknowledges that Baker does not disclose this subject matter (Ans. 4). Turning to Davis, the Examiner finds disclosure of a public key from a user’s Certificate to verify the identity of the user (Ans. 4-5 (citing Davis 553)). From our study of Davis, we agree with the Examiner and adopt this finding. Further, we find this identity verification is performed using a Davis access server (Davis 553). Appellants further argue:

[T]he Examiner incorrectly suggests that the issue is authenticating an individual user, which is quite wrong and confuses authentication of a system user’s identity with authentication of a user group’s identity. Authenticating a system user’s identity is irrelevant because Appellants’ claimed invention does not need do this. As has been previously noted, Appellants’ invention avoids the need to identify an individual requiring access to data, and instead identifies and authenticates the group to which such an individual has been allocated by Appellants’ invention.

(Reply Br. 6-7.) What claim 1 recites is “giving access . . . to a member of a user group . . . in response to such member providing authenticated evidence of membership of that user group.” This limitation recites that a user

provides evidence of membership in a user group. Appellants, as part of the argument, discuss the Davis disclosed example of a “user Jane Baker” requesting access to an object, i.e., stored data, and her identity being verified (Reply Br. 7). We find that Davis discloses for this example that if Jane Baker’s “identity is verified, [an] access server compares . . . the groups allowed access to the requested object” in order to determine if a data access request from Jane Baker should be granted (Davis 553). In summary, we find the Davis access server both verifies user identity, and also correlates groups with the data for which access is allowed to grant verified user members of authorized groups access to the identified data. Accordingly, we are not persuaded by Appellants’ argument, because we find that Davis teaches authenticating a user’s identity as a member of an authorized user group in order to allow data access.

V

Appellants finally contend that the Examiner failed to provide a “reason” or “motivation” for combining Baker and Davis (App. Br. 28; *see also* Reply Br. 7-8). Appellants’ contentions are made as conclusion statements without acknowledging the Examiner’s stated reasoning in the Final Action, where in part it is explained that:

[I]t is extremely common and well known in the art for access control systems to implement some method of authenticating a user identity. It would be obvious for one to modify Baker such that it included a step for authenticating the user identity for determining access privileges. Motivation as commonly understood, would simply be to ensure that the user is who he/she says he/she is. Moreover, Davis discloses a database system wherein the user identity is authenticated.

....

Motivation for one of ordinary skill in the art at the time of the invention to modify Baker as discussed above would have been to “provide a framework of authentication services by the directory to its users” (Davis, page 548 under heading B). It can be understood by one of ordinary skill that the Baker architecture when developed in the directory structure would clearly necessitate an enhanced form of security offered by the certificate system.

(Final Action 4-5.) Our reviewing court in addressing obviousness rejections has explained that “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006); *see also KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). In this circumstance, we find that the Examiner has set out articulated reasoning premised from at least increasing security by confirming data requester identities (i.e., individuals and groups) with rational underpinning premised from at least cited Davis disclosures. Accordingly, we are not persuaded by Appellants’ contentions that do not address the Examiner’s reasoning and rationale.

For the foregoing reasons, we will sustain the rejection of representative claim 1, and also the rejection of the other independent claims 19, 32, 35, 38, 40, 41, and 43-45. Further, we will sustain the rejection of claims 2-5, 7, 11-13, 17, 20-23, 25, 29, 31, and 37 that fall with the respective independent claims.

Claims 6, 8-10, 14-16, 18, 24, 26-28, 30, 33, 34, 39, and 42

These dependent claims rejected under § 103(a) as unpatentable over combinations of Baker, Davis, Hsiao, McNabb, Hayman, Harn, and Netscape are asserted to be patentable because of arguments addressed *supra* for their respective independent base claims, including conclusion assertions

that there is a lack of “reason” or “motivation” for combining references (App. Br. 31-35). For the reasons indicated previously in addressing the rejections of the base independent claims, we will sustain the Examiner’s rejections of these dependent claims.

CONCLUSION OF LAW

The Examiner did not err in determining that Baker and Davis, alone or in combination, teach or suggest (i) allocating computer system human users between a plurality of user groups wherein members of each user group are associated with a dataset access category common to the user group; and (ii) giving dataset access to a member in response to such member providing authenticated evidence of user group membership as recited in representative claim 1.

ORDER

The Examiner’s decision rejecting claims 1-45 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

babc

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203